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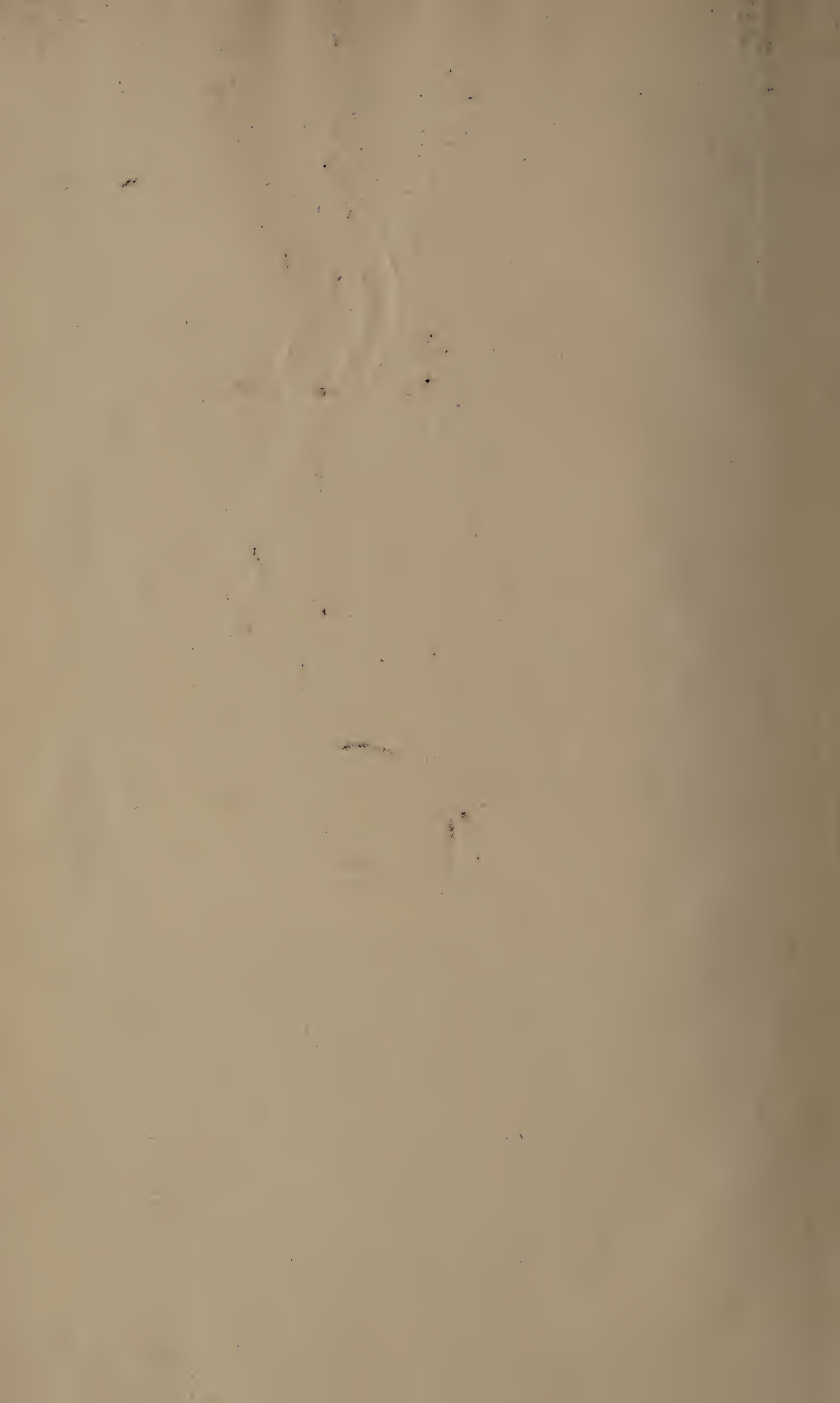


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# CHARGES

AGAINST THE

# COMMISSIONERS

OF THE

METROPOLITAN POLICE,

BY

7695.80

H. K. BLAUVELT.

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ALBANY:

COMSTOCK & CASSIDY, PRINTERS.

1863.



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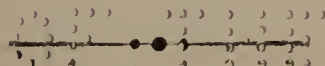
METROPOLITAN POLICE,

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H. K. BLAUVELT.

NEW YORK: PUBLISHED BY H. K. BLAUVELT, 15 NASSAU ST.



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Feb. 8, 1902

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WARRANT FOR ARREST  
AND RETURN  
NOTICE TO APPEAR



STATE OF NEW YORK,  
EXECUTIVE DEPARTMENT,  
*Albany, June 3d, 1863.*

The annexed papers are copies of charges which have been made against you and which are on file in this office. You are required to make written answers to the same, which are to be sent to me on or before the 13th instant.

You are also required to answer, within the same time, to the charges which were made by H. K. BLAUVELT, the first day of January last, copies of which were served upon you on the 2d day of January last. When your answers are received, I will make the proper order for an inquiry into the truth of the charges made.

HORATIO SEYMOUR.

To Mess. JAMES BOWEN, THOMAS

C. ACTON and JOHN G. BERGEN.

(Copy.)



ADDITIONAL CHARGES AND SPECIFICATIONS OF  
OFFICIAL MISCONDUCT AGAINST THE COM-  
MISSIONERS OF THE METROPOLITAN POLICE.

*To his Excellency, HORATIO SEYMOUR,*

*Governor of the State of New York.*

SIR:

I respectfully present the following Charges and Specifications of official misconduct against JAMES BOWEN, THOMAS C. ACTON and JOHN G. BERGEN, the Commissioners of the Metropolitan Police, and each of them, except that the said JAMES BOWEN is not included in so much of the said charges and specifications as relates to misconduct since the first day of January last past; the said charges and specifications being supplementary and in addition to the charges against the said Commissioners made by the subscriber on the first day of January last past.

FIRST CHARGE.

Arresting persons, arbitrarily, without legal process or other valid authority, in violation of section 2, title 6, chapter 1, part 4 of the Revised Statutes, by which it is made a misdemeanor, punishable by fine and imprisonment, if "any Sheriff or other officer, or any person pretending to be an officer, shall, under the pretence or color of any process or other legal authority, arrest any person or detain him against

his will," "without due and legal process, or other valid authority," and omitting to take persons so arrested before a magistrate, in violation of section 30, of chapter 250, of the laws of 1860, which requires that every member of the police force, who shall arrest a person without a warrant, shall immediately and without delay, upon such arrest, convey in person such offender before the nearest magistrate, that he may be dealt with according to law."

*First Specification.* That the said Commissioners caused or permitted the arrest of ALGERNON S. SULLIVAN, at No. 84 West Fourteenth street, in the city of New York, on or about the 7th of August, 1861, by two members of the Metropolitan Police Force, upon the order of Superintendent Kennedy, of the said force, without legal process or other valid authority, and held the said Sullivan in custody, without taking him before a magistrate, all of which was in violation of said Statutes.

*Second Specification.* That the said Commissioners caused or permitted the arrest of SAMUEL J. ANDERSON, at No. 79 Spring street, in the city of New York, on the 13th of August, 1861, by Philip Farley, a member of the Metropolitan Police Force, upon the order of Superintendent Kennedy, without legal process or other valid authority, and held the said Anderson in custody, without taking him before a magistrate, all of which was in violation of the said Statutes.

*Third Specification.* That the said Commissioners caused or permitted the arrest of HENRY A. REEVES, at the Depot of the Hudson River Railroad, in the city of New York, in

or about the month of September, 1861, by one of the members of the Metropolitan Police Force, upon the order of Superintendent Kennedy of the said force, without legal process or other valid authority, and held the said Reeves in custody, without taking him before a magistrate, all of which was in violation of the said Statutes.

*Fourth Specification.* That the said Commissioners caused or permitted the arrest of JAMES HORWITZEN, in the city of New York, in the month of October, 1861, by one of the members of the Metropolitan Police Force, upon the order of Superintendent Kennedy of the said force, without legal process or other valid authority, and held the said Horwizen in custody, without taking him before a magistrate, all of which was in violation of the said Statutes.

*Fifth Specification.* That the said Commissioners caused or permitted the arrest of STEPHEN DAY, at No. 125 Atlantic street, in the city of Brooklyn, on the 12th of August, 1862, by Charles Frost, one of the Metropolitan Police Force, without legal process or other valid authority, and held the said Day in custody, without taking him before a magistrate, all of which was in violation of the said Statutes.

*Sixth Specification.* That the said Commissioners caused or permitted the arrest of AUGUSTUS H. BENNING, at the corner of Eighth Avenue and Twenty-Third street, in the city of New York, on the 13th of August, 1862, by one or more members of the Metropolitan Police Force, upon the order of Superintendent Kennedy, without legal process or

other valid authority, and held the said Benning in custody, without taking him before a magistrate, all of which was in violation of the said Statutes.

*Seventh Specification.* That the said Commissioners caused or permitted the arrest of HUGH BOYLE, in the city of New York, on the 15th of August, 1862, by one or more members of the Metropolitan Police Force, without legal process or valid authority, and held the said Boyle in custody, without taking him before a magistrate, all of which was in violation of the said Statutes.

*Eighth Specification.* That the said Commissioners caused or permitted the arrest of JAMES CARROLL, at the St. Nicholas Hotel, in the city of New York, on the 22d of August, 1862, by officer McDougall, one of the Metropolitan Police Force, upon the order of Inspector Carpenter, of the said force, without legal process or other valid authority, and held the said Carroll in custody, without taking him before a magistrate, all of which was in violation of the said Statutes.

*Ninth Specification.* That the said Commissioners caused or permitted the arrest of LEWIS BALLARD, DAVID P. WEBSTER, WILLIAM A. GREENLEAF, WILLIAM M. VAN WAGENEN, WILLIAM R. McDONALD, ALFRED KERSHAW, ALFRED PHILLIPS, FREDERICK DUANE, A. W. PLATT and RICHARD KINGSLAND, at the city of New York, on or about the 27th of August, 1862, by members of the Metropolitan Police Force, upon the order of Superintendent Kennedy, without legal process or other valid authority, and held each

of the said persons so arrested in custody, without taking him before a magistrate, all of which was in violation of the said Statutes.

*Tenth Specification.* That the said Commissioners caused or permitted the arrest of CATHARINE McCABE, at No. 49 James street, in the city of New York, on or about the 29th of August, 1862, by officer Wilson, one of the Metropolitan Police Force, upon the order of Superintendent Kennedy of the said force, without legal process or other valid authority, and held the said Catharine McCabe in custody, without taking her before a magistrate, all of which was in violation of the said Statutes.

*Eleventh Specification.* That the said Commissioners caused or permitted the arrest of WILLIAM CODDINGTON and M J. MILLION, on a public road in the town of West Farms and county of Westchester, on the 6th of September, 1862, by one of the members of the Metropolitan Police Force, upon the order of Superintendent Kennedy of the said force, without legal process or other valid authority, and held the said Coddington and Million in custody, without taking either of them before a magistrate, all of which was in violation of the said Statutes.

*Twelfth Specification.* That the said Commissioners caused or permitted the arrest of GEORGE MOLLOY, at or near No. 233 Bowery, in the city of New York, on the 4th of November, 1862, by one of the members of the Metropolitan Police Force, without legal process or other valid authority, and

held the said Molloy in custody, without taking him before a magistrate, all of which was in violation of the said Statutes.

*Thirteenth Specification.* That the said Commissioners caused or permitted the arrest of ALEXANDER HUTCHINGS and HENRY J. KERNER, at or near the corner of Exchange Place and William street, in the city of New York, on or about the 7th day of May, 1863, by officers Finnetty and Walling of the Metropolitan Police Force, without legal process or other valid authority, and held the said Hutchings and Kerner in custody, without taking either of them before a magistrate until the day next thereafter, all of which was in violation of the said Statutes; in consequence of which unlawful arrest the said Hutchings ceased to enjoy his mental faculties and became insane.

#### SECOND CHARGE.

Using the public buildings in their charge and control as such Commissioners, and permitting the same to be used for the forcible and unlawful confinement of persons as prisoners, who were not held on any legal process or valid charge, and denying to such persons any and all information as to the cause of their imprisonment.

*First Specification.* That the said Commissioners caused or permitted Algernon S. Sullivan to be forcibly and unlawfully imprisoned at the Police Headquarters, corner of Broome and Elm streets, in the city of New York, during one night in the month of August, 1861, the said Sullivan not being



held in custody on any legal process or valid charge, and being denied any and all information as to the cause of his imprisonment.

*Second Specification.* That the said Commissioners caused or permitted Stephen Day to be forcibly and unlawfully imprisoned at the Police Station House, at No. 221 Mercer street, in the city of New York, from the 12th of August, 1862, to the 15th of the same month, the said Day not being held in custody on any legal process or valid charge.

*Third Specification.* That the said Commissioners caused or permitted James Horwitz to be forcibly and unlawfully imprisoned at the Police Station House, at No. 9 Oak street, in the city of New York, for about two weeks in the month of October, 1861, the said Horwitz not being held in custody on any legal process or valid charge.

*Fourth Specification.* That the said Commissioners caused or permitted Augustus H. Benning to be forcibly and unlawfully imprisoned at the said Police Headquarters, from the 13th of August, 1862, to the 18th of the same month, the said Benning not being held in custody on any legal process or valid charge.

*Fifth Specification.* That the said Commissioners caused or permitted Hugh Boyle to be forcibly and unlawfully imprisoned at the Police Station House, at No. 221 Mercer street, in the city of New York, for about five weeks from and after the 15th day of August, 1862, the said Hugh Boyle

not being held in custody on any legal process or valid charge.

*Sixth Specification.* That the said Commissioners caused or permitted James Carroll to be forcibly and unlawfully imprisoned at the said Police Headquarters from the 22d of August, 1862, to the 2d of September, 1862, the said Carroll not being held in custody on any legal process or valid charge, and being denied any and all information as to the cause of his imprisonment.

*Seventh Specification.* That the said Commissioners caused or permitted William Coddington and M. J. Million to be forcibly and unlawfully imprisoned at the said Police Headquarters, from the 6th of September, 1862, to the 8th of the same month, and on the last mentioned day to be taken and conveyed to the Police Station House, at No. 53 Spring street, in the city of New York, and to be there forcibly and unlawfully imprisoned from the said 8th of September, 1862, to the 18th of the same month, neither the said Coddington nor the said Million being held in custody on any legal process or valid charge.

*Eighth Specification.* That the said Commissioners caused or permitted Mrs. Isabel M. Brinsmade to be forcibly and unlawfully imprisoned at the Police Station House, in West Forty-Seventh street, in the city of New York, from about the 26th of September, 1862, to the 3d of November, 1862, the said Mrs. Brinsmade not being held in custody on any legal process or valid charge, and being denied any and all information as to the cause of her imprisonment.

*Ninth Specification.* That the said Commissioners caused or permitted George Molloy to be forcibly and unlawfully imprisoned at the Police Station House, at the corner of First Avenue and Fifth street, in the city of New York, from the 4th of November, 1862, to the 7th of the same month, the said Molloy not being held in custody on any legal process or valid charge.

### THIRD CHARGE.

Permitting ladies to be treated by members of the Metropolitan Police Force, in a manner inconsistent with the respect due to their sex, and with their natural modesty, and injurious to the feelings and character of those who were wantonly and cruelly subjected to such treatment.

*First Specification.* That the said Commissioners permitted Mrs. Isabel M. Brinsmade, a lady about twenty years of age, to be unlawfully held in custody by members of the Metropolitan Police Force, from about the 26th of September, 1862, to the 3d of November, 1862, at the Police Station House in West Forty-Seventh street, in the city of New York, a building in the charge of the said Commissioners and under their control, which building was occupied by a large number of men and not by any other woman; at which place she was attended and waited upon only by men and was also subjected to the improper importunities of one or more men in the employ of the War Department at Washington, who visited her and sought to induce a compliance with their desires by means of the power which was exercised over her liberty; during which time her friends were not allowed to

see her, and she was prevented from any communication with them, all of which was in violation of law and decency.

*Second Specification.* That the said Commissioners permitted Catharine McCabe, a lady about 22 years of age, to be unlawfully held in custody by members of the Metropolitan Police Force, from three o'clock in the afternoon until nine o'clock in the evening of the 29th of August, 1862, at the Police Headquarters, corner of Broome and Elm streets, in the city of New York, a building in the charge of the said Commissioners and under their control, in a room with a man also held as a prisoner, to whom she was a stranger, and without the company of any person of her own sex, all of which was in violation of law and decency.

#### FOURTH CHARGE.

Confining persons held as prisoners by the said Commissioners, or under their control, in a cruel and inhuman manner.

*First Specification.* That the said Commissioners caused or permitted Augustus H. Benning to be confined as a prisoner, in close custody, from the 13th of August, 1862, to the 18th of the same month, in cell No. 4, in the basement of the Police Headquarters, corner of Broome and Elm streets, in the city of New York, said cell being a damp, dark, noxious and unhealthy place, six feet long by four feet wide, overrun with vermin, filled with offensive and deleterious odors and furnished for the purpose of sleep with only a

wooden shelf and a wooden pillow ; such confinement being of a nature calculated to endanger the life of the said Benning.

*Second Specification.* That the said Commissioners caused or permitted James Carroll to be confined as a prisoner in close custody, in said cell number four, from the 29th of August, 1862, to the 2d of September, 1862 ; which confinement was of a nature calculated to endanger the life of the said Carroll.

*Third Specification.* That the said Commissioners caused or permitted William Coddington and M. J. Million to be confined as prisoners, in close custody, in a dark, damp, noxious and unhealthy cell, in the basement of the said Police Headquarters, from the 6th of September, 1862, to the 8th of the same month, which confinement was of a nature calculated to endanger the lives of the said Coddington and Million.

#### FIFTH CHARGE.

Unlawfully transferring and conveying persons (held in custody by them or their subordinates without authority,) who were within the jurisdiction of the State of New York and entitled to its protection, to places within the limits of the State, but under another jurisdiction and control, in violation of the laws of the State of New York, and in contravention of its honor and dignity.

*First Specification.* That the said Commissioners caused or permitted Algernon S. Sullivan, who was unlawfully held in

custody by them or their subordinates, at the Police Headquarters, corner of Broome and Elm streets, in the city of New York, to be forcibly and unlawfully taken and conveyed by members of the Metropolitan Police Force, from that place to Fort Hamilton, a place within the limits of the State of New York, but under another jurisdiction and control, and to be there delivered into the control and custody of Col. Burke, an officer of the United States, by whom the said Sullivan was taken and conveyed to Fort Lafayette, also a place within the limits of the State, but under another jurisdiction and control, at which last mentioned place he was subsequently and unlawfully confined as a prisoner.

*Second Specification.* That the said Commissioners on the 13th of August, 1861, caused or permitted Samuel J. Anderson, who was unlawfully held in custody by them or their subordinates, at the said Police Headquarters, to be forcibly and unlawfully taken and conveyed by members of the Metropolitan Police Force, from that place to the said Fort Hamilton, and to be there delivered into the control and custody of the said Col. Burke, by whom the said Anderson was taken and conveyed to the said Fort Lafayette, at which last mentioned place he was subsequently and unlawfully confined as a prisoner.

*Third Specification.* That the said Commissioners, in or about the month of August, 1862, caused or permitted Lewis Ballard, David P. Webster, William A. Greenleaf, William M. Van Wagenen, William R. McDonald, Alfred Kershaw, Alfred Philips, Frederick Duane, A. W. Platt and Richard

Kingsland, who were unlawfully held in custody by the said Commissioners or their subordinates, to be forcibly and unlawfully taken and conveyed from the city of New York to the said Fort Hamilton, and to be there delivered to a military officer of the United States, by whom the said persons so held in custody were taken and conveyed to the said Fort Lafayette ; at which last mentioned place each of the said persons was subsequently and unlawfully confined as a prisoner.

*Fourth Specification.* That the said Commissioners, on or about the 15th of August, 1862, caused or permitted Stephen Day, who was unlawfully held in custody by them or their subordinates, at the Police Station House at No. 221 Mercer street, in the city of New York, to be forcibly and unlawfully taken and conveyed by members of the Metropolitan Police Force, from that place to the said Fort Hamilton, and to be then and there delivered into the control and custody of the said Col. Burke, by whom the said Day was taken and conveyed to the said Fort Lafayette, at which last mentioned place he was subsequently and unlawfully confined as a prisoner.

*Fifth Specification.* That the said Commissioners, on or about the 23d of August, 1861, caused or permitted William P. Converse, who was unlawfully held in custody by them or their subordinates, at the said Police Headquarters, to be forcibly and unlawfully taken and conveyed by members of the Police Force, from that place to the said Fort Hamilton, and to be there delivered into the control and custody of the

said Col. Burke, by whom the said Converse was taken and conveyed to the said Fort Lafayette, at which last mentioned place he was subsequently and unlawfully confined as a prisoner.

#### SIXTH CHARGE.

Using the power of the Metropolitan Police, and permitting the same to be used, to coerce persons within the jurisdiction of the state of New York, and under its protection, and compel them as a condition of their release from an illegal imprisonment, to take an oath which they could not lawfully be required to take, and which oath was in contravention of the rights, interests, dignity and honor of the state of New York.

*First Specification.* That the said Commissioners caused or permitted Augustus H. Benning, on the 18th of August, 1862, at the Police Head Quarters, corner of Broome and Elm streets, in the city of New York, the said Benning being then and there unlawfully held as a prisoner, to be compelled by the use of the police power confided to the said Commissioners, to take as a condition of his release, an oath to support, protect and defend and bear true faith, allegiance and loyalty to, not only the Union and the Constitution of the United States, but also to the Government thereof, notwithstanding any ordinance, resolution or law of the State of New York to the contrary.

*Second Specification.* That the said Commissioners caused or permitted James Carroll to be compelled by the use of



the said police power, to take the said oath at the said head quarters, on the 2d of September, 1862, the said Carroll being then and there unlawfully held as a prisoner, and the said oath being exacted as a condition of his release.

*Third Specification.* That the said Commissioners caused or permitted William Coddington and M. J. Million to be compelled by the use of the said police power, each to take the said oath, at the city of New York, on the 18th of September, 1862, the said Coddington and Million being then and there unlawfully held as prisoners, and the said oath being exacted as a condition of their release.

#### SEVENTH CHARGE.

Using the power of the Metropolitan Police, and permitting the same to be used to coerce persons within the jurisdiction of the State of New York and under its protection, and to compel them as a condition of release from an illegal imprisonment to execute and deliver a bond which they could not lawfully be required to deliver: which proceeding was in violation of the rights of the said persons and in contravention of the honor and dignity of the State of New York.

*First Specification.* That the said Commissioners caused or permitted Augustus H. Benning, on the 18th of August, 1862, at the Police Head Quarters, corner of Broome and Elm streets, in the city of New York, at which time and place he was unlawfully held as a prisoner, to be compelled

by the use of the police power confided to the said Commissioners, to execute and deliver as a condition of his release, a bond to the United States, in the penalty of two thousand dollars, signed by himself and also by Charles Partridge as surety, and conditioned to the effect that the said Augustus H. Benning, in the event of his being drafted, would perform such military duty as might be required by the Government of the United States, or else would provide a competent and qualified substitute who should perform such duty.

*Second Specification.* That the said Commissioners caused or permitted James Carroll to be compelled by the use of the said Police power, to execute and deliver a similar bond in the penalty of one thousand dollars without surety, at the said Headquarters, on the 2nd of September, 1862, the said Carroll being then and there unlawfully held as a prisoner, and the said bond being exacted as a condition of his release.

*Third Specification.* That the said Commissioners caused or permitted William Coddington and M. J. Million to be compelled by the use of said Police power, each to execute and deliver a similar bond in the penalty of one thousand dollars without surety, at the city of New York, on the 18th of September, 1862, the said Coddington and Million being then and there unlawfully held as prisoners, and the said bond being exacted as a condition of their release.

#### EIGHTH CHARGE.

Forcibly and unlawfully searching the persons, property and premises of individuals against whom no criminal charge

had been made or was pending, and taking therefrom papers and other property, and retaining the same.

*First Specification.* That the said Commissioners, in the month of August, 1861, caused or permitted two members of the Metropolitan Police Force, upon the order of Superintendent Kennedy, by force and violence, and without a warrant or other legal process, to search the person of Algeron S. Sullivan, against whom no criminal charge had been made or was pending, and in like manner to search the office and residence of the said Sullivan, and to break the locks of his desks and other furniture, all of which was in violation of law.

*Second Specification.* That the said Commissioners, on the 13th of August, 1861, caused or permitted two members of the Metropolitan Police Force, upon the order of Superintendent Kennedy, by force and violence, and without a warrant or other legal process, to search the person of Samuel J. Anderson, against whom no criminal charge had been made or was pending: and in like manner to search his baggage and furniture, and to take therefrom and retain papers belonging to the said Anderson, all of which was in violation of law.

*Third Specification.* That the said Commissioners, on or about the 23d of November, 1861, caused or permitted certain members of the Metropolitan Police Force, upon the order of Superintendent Kennedy, by force and violence and without a warrant or other legal process, to search the place of business

of William P. Converse, against whom no criminal charge had been made or was pending, and to take therefrom and carry away books and papers belonging to the said Converse and his partner in business, all of which was in violation of law.

#### NINTH CHARGE.

Using and expending moneys raised by taxation and paid to the Treasurer of the Board of Metropolitan Police, under and by virtue of chapter 259 of the Laws of 1860, for purposes not authorized by law, and in violation of the express provisions of the said Statute.

*First Specification.* That the said Commissioners have expended about one hundred thousand dollars of the said moneys since the 7th day of November, 1861, in the purchase of a site of ground in Mulberry street, in the city of New York, and in the erection, fitting up and furnishing of a building thereon, not by contract, but by payments to favorites, at extravagant prices, without any authority of law, and notwithstanding a positive prohibition contained in said chapter 259 of the Laws of 1860.

*Second Specification.* That the said Commissioners have from time to time expended divers sums, forming part of the said moneys, for the purchase and keeping of horses for the use of the said Commissioners and their clerks, without authority of law, and notwithstanding a positive prohibition contained in said chapter 259 of the Laws of 1860.

*Third Specification.* That the said Commissioners have, at various times, expended divers sums, forming part of the said moneys, in payment of the expenses of members of the Metropolitan Police Force, incurred while the said members were traveling within and without the limits of the State of New York, upon business not authorized by the laws of the said State, and not forming part of their duties as members of the said force.

*Fourth Specification.* That the said Commissioners have annually received a large sum of money, to wit: about ten thousand dollars, as part of the said moneys raised by taxation, and expended such moneys for the purchase of buttons for uniforms of the officers and men of the force, but that said officers and men have nevertheless been required to pay the said Commissioners or some of their subordinates for the buttons furnished to and received by them respectively.

#### TENTH CHARGE.

Expending and disbursing moneys paid to and deposited with the said Commissioners in a fiduciary capacity, in violation of the trust under which such moneys were received by them.

*Specification.* That the said Commissioners on or about the 12th of July, 1860, received the sum of thirteen thousand seven hundred and fifty dollars, in pursuance of the instructions of certain Japanese gentlemen, who had then recently been the guests of the city of New York, upon the trust that the said Commissioners would distribute the said sum of

money among the police force of the said city, or a portion of the said force, and that the said Commissioners kept the said money for a long time in their own possession, and have expended the whole or a large part thereof for purposes other than that for which it was deposited with them, and in violation of the said trust.

#### ELEVENTH CHARGE.

Authorizing and permitting the members of the Metropolitan Police Force, and other persons holding office under the said Commissioners, to hold other positions and perform other duties inconsistent with the proper and thorough performance of their duties as members of the said force, and officers in the employ of the said Commissioners, and also paying to some of them their salaries for periods of time during which they were in other employ and receiving other pay.

*First Specification.* That the said Commissioners have permitted the following persons holding office under them, viz: Seth C. Hawley, Chief Clerk, Charles Turnbull, Morris De Camp and Abraham Relay, Captains; Henry Fuller, ——— Copeland and ——— Waters, Sergeants, and John Adamson, P. Hogan, Henry Krowl, Thomas Sampson, and Ely Devoe, patrolmen, during the years 1862 and 1863, while they were holding office and receiving pay under the said Commissioners, to hold other offices and perform other duties, for which said additional offices some of them received pay from the State of New York or from the United States.

## TWELFTH CHARGE.

Using and threatening to use their power to remove members of the Metropolitan Police Force and to appoint persons as members of the said force for the purpose of compelling and attempting to compel members of the said force, and persons seeking to become members, to sign papers and perform other acts which the said members and other persons could not legally and properly be required to sign or perform.

*First Specification.* That the said Commissioners for the purpose of acquiring an unlawful control over the members of the force, required Theodore Brodhead and other persons appointed as patrolmen, to sign, before they were sworn into office, resignations of the offices to which they had been appointed, which resignations were retained by the said Commissioners for the purpose of allowing them to dismiss said patrolmen arbitrarily and without trial.

*Second Specification.* That the said Commissioners required Morris L. Binsweinger, Carpenter Brown, John J. Nicholai, John Struck, Dennis Tierney, Samuel Abrahall and John Laforge, and each of them, as a consideration of their appointment to the Metropolitan Police Force, to sign an agreement not to prosecute any claim which they might have by reason of their prior service as members of the Municipal Police, and have also compelled each of the said persons to pay a monthly assessment to one Swift, a patrolman, detailed to do duty as a clerk of the said Commissioners for and on account of the

compensation of the counsel employed by the said first named persons to prosecute the claims so relinquished.

*Third Specification.* That the said Commissioners compelled Hiram Olds, a patrolman, to pay debts contracted by his wife prior to their marriage and before he was appointed a policeman.

*Fourth Specification.* That the said Commissioners compelled James M. Miller to resign from the force because he would not pay a debt contracted before he became a policeman, to a friend of Thomas C. Acton, one of the said Commissioners.

*Fifth Specification.* That the said Commissioners have compelled the officers and men of the Metropolitan Police Force to purchase cloth for their uniforms, and also the gloves worn by them when on duty, of the said Commissioners, or some of their subordinates, at a large profit on the cost thereof, and that the profit so realized has been appropriated by the said Commissioners, or some of their subordinates, to their own use and benefit.

#### THIRTEENTH CHARGE.

Using and attempting to use the power of the Metropolitan Police to influence public elections and to control members of the Metropolitan Police Force and other citizens in their political action.

*First Specification.* That the said Commissioners caused or permitted John A. Kennedy to issue and publish on the 1st



day of November, 1862, a certain paper known as "General Order No. 324," signed by the said Kennedy as such Superintendent, by which said paper the Captains of Police for the several precincts in the Metropolitan Police District were directed to station a man at the polls in each election district during the general election held on the 4th day of November last, "from the opening to the closing thereof," who should "carefully note each and every person" offering to vote at such poll, whose name appeared "on the exemption book as excused from draft by any Commissioner on the ground of being an alien or non-resident," the pretended object of said paper being to aid the War Department in making a draft of persons for military service, but its real object being to deter citizens from voting by connecting in their minds the exercise of that right with the draft which was then expected to be made for the military service of the United States.

*Second Specification.* That the said Commissioners caused and permitted the said Kennedy to include in the said paper known as General Order No. 324, further directions to the effect that every person offering to vote whose name appeared on the exemption book as having been excused from draft on the ground of being an alien or non-resident, "should be secured and conveyed to the station house, there to be detained subject to the orders of the Secretary of War," notwithstanding that the said Commissioners and the said Superintendent well knew that it was the duty of the officers to arrest any person voting illegally and report the case to the District Attorney of the county for prosecution, in accordance with the laws of the State of New York, and that there was

no law providing for the punishment of an illegal voter by or through the Secretary of War, and the object of withholding, as directed by the said paper, any person voting illegally from the punishment provided by the laws of the said State and wrongfully holding him "subject to the orders of the War Department," being to hold out to every such person voting illegally the inducement of immunity from punishment in case he voted in a manner likely to be acceptable to the Secretary of War.

*Third Specification.* That Thomas C. Acton, one of the said Commissioners, on one occasion sent a message to William Robb, one of the Metropolitan Police Force, by the police telegraph, to get a crowd of persons and take them to a primary election to be held in the 15th Ward of the city of New York, to aid in the election of a ticket supported by the said Acton.

*Fourth Specification.* That the said Commissioners, on the 31st of October, 1862, tried Patrick O'Rourke, one of the Metropolitan Police Force, on certain charges, closed the case and reserved their decision; that afterwards and before the 4th of November, 1862, the said O'Rourke was required by Sergeant Petty, an officer of the said force, to contribute five dollars for political purposes, which the said O'Rourke refused to do; that the said Commissioners afterwards reopened the case, and on the 8th of said November dismissed the said O'Rourke from the said force, without good cause, and with the real object of punishing him for not making the payment so required of him for political purposes.

## FOURTEENTH CHARGE.

Appointing persons as Policemen from improper considerations, and allowing money to be exacted from applicants as a condition of appointment.

*First Specification.* That the said Commissioners, for the purpose of inducing the members of the Board of Supervisors of the county of New York to vote in favor of a resolution adopted by the said board on the 21st of December, 1860, authorizing the said Commissioners to appoint four hundred additional policemen for said county, and to vote, on the 16th of January, 1861, to adopt the said resolution notwithstanding the veto of his honor the Mayor, did agree to and did appoint a large proportion of the said additional policemen, upon the nomination of members of the said Board of Supervisors.

*Second Specification.* That the said Commissioners appointed Jacob Coon as a policeman, and that the said Jacob Coon paid two hundred and fifty dollars for the purpose of procuring said appointment.

*Third Specification.* That the said Commissioners appointed Charles Daly a policeman, on or about the 17th of March, 1862, and that the said Daly paid or procured to be paid two hundred and fifty dollars for the purpose of procuring the said appointment.

## FIFTEENTH CHARGE.

That the said Commissioners, and each of them, have been and were informed and fully cognizant of each and every of

matters and things embraced and set forth in the preceding charges and specifications; that so far as the acts and deeds therein described were done or performed by members of the Metropolitan Police Force other than the said Commissioners, such acts and deeds were done and performed with the knowledge and allowance of the said Commissioners, and each of them, and were subsequently sanctioned and ratified by them, and all of them; and that the said Commissioners have systematically and persistently used and employed their offices, and the force of men in the public employ under their direction and control for the injury and oppression of individuals, and in violation of their rights of persons and property, and also in a manner contrary to the interests, honor and dignity of the State of New York.

All of which is respectfully submitted.

NEW YORK, *June 2d*, 1863.

HENRY K. BLAUVELT.

*City and County of New York, ss:*

HENRY K. BLAUVELT being duly sworn deposes and says, that the foregoing Charges and Specifications are true to the best of his knowledge and as he verily believes.

HENRY K. BLAUVELT.

Sworn before me this second )  
day of June, 1863, }

THOMAS D. JAMES, *Notary Public*

*in and for the City and County of New York.*

CHARGES OF OFFICIAL MISCONDUCT AGAINST  
JOHN G. BERGEN, ONE OF THE COMMISSIONERS  
OF METROPOLITAN POLICE.

FIRST. That the said John G. Bergen, being one of the Commissioners of Metropolitan Police under the act entitled "An Act to amend an act entitled an act to establish a Metropolitan Police District, and to provide for the government thereof, passed April 15th, 1857, passed April 10th, 1860," did, on or about the ninth day of August, in the year one thousand eight hundred and sixty-two, permit and suffer John A. Kennedy, being the Superintendent of the Metropolitan Police Force, and the Inspectors, Captains, Sergeants and Patrolmen of the said Metropolitan Police, to accept and from thence until on or about the second day of October following to exercise the functions of the pretended offices of Special Provost Marshal for the Metropolitan Police District of New York, without authority of law.

SECOND. That the said Kennedy, so being such Superintendent, having while exercising such pretended office, without warrant, process or other authority of law, imprisoned and held in custody and confinement in one of the police station houses in the city of New York, under the control of said Police Commissioners, Mrs. Isabel Brinsmade, from on or about the twenty-first day of September, in the year one thousand eight hundred and sixty-two, to about the third day

of November next succeeding, without during that entire period having caused her to be brought before any magistrate, in violation of the provisions of section 30 of the above mentioned act, and without having disclosed the fact of such imprisonment to the Police Commissioners of said Metropolitan Police District; and the said Police Commissioners having caused charges to be preferred against said Kennedy for misconduct in that matter, and a trial of such charges having taken place before them, the said John G. Bergen, by his decision thereon, bearing date the first day of December in the year one thousand eight hundred and sixty-two, did find and decide as follows:

CENTRAL OFFICE OF THE METROPOLITAN POLICE,  
413 BROOME STREET CORNER OF ELM,  
*New York, December 1.*

In the matter of complaint against the Superintendent of Police for improper conduct.

*Resolved,* That in the opinion of this board, Mrs. Brinsmade was arrested in the city of Washington, on the        of September, by direction of Provost Marshal Baker, a subordinate officer of the department; that she was there detained in custody by said Baker, and by his order was brought to New York by a police officer, with the verbal request of said Baker to the Superintendent, that she should be held in custody, and no person be permitted to hold conversation with her until transportation to New Orleans was provided for her; that transportation to New Orleans not having been provided, the Superintendent, on the 15th of October, applied to said Baker for an order for her release, and that Baker declined to

issue such order, and by a letter then written, addressed to the Superintendent but dated at the War Department, Washington, informed the Superintendent that the Secretary of War regarded the arrest of Mrs. Brinsmade as unwarranted, and that there was no authority by which she could be sent to New Orleans; that she was further held in custody until the 3d of November, when she was released by the Superintendent on the request of Simeon Draper, Provost Marshal General; and that during the period of her detention until the 3d of November, there has been no evidence adduced to show that either the Secretary of War, his assistant secretaries, or the Judge Advocate General, had any knowledge of the arrest or detention of Mrs. Brinsmade by order of said Baker.

*Resolved,* That a citizen cannot lawfully be held in custody longer than to be brought before a magistrate, except on a committal of a judicial officer; or if for a military or treasonable offense, on the written order of a competent officer of the general government; and therefore that the detention of Mrs. Brinsmade, on the verbal request of a subordinate and irresponsible officer was an unwarrantable assumption of power.

*Resolved,* That as personal liberty is the most sacred of political rights it was the duty of the superintendent to have applied immediately to the War Department on Mrs. Brinsmade being placed in his custody to learn if her detention was authorized by that department.

*Resolved,* That it was the duty of the superintendent to have obtained the previous consent of the Board of Police, for the unusual purpose of the detention of a prisoner in one of the station houses, inasmuch as they are not under his control, and because their care and custody are exclusively with the Board of Police.

*Resolved,* That the specification of rude and offensive conduct to Dr. Phelps, is not proven.

*Resolved,* That the superintendent be, and he is hereby censured,

- 1st. For the retention of Mrs. Brinsmade as a prisoner without warrant or order in writing by competent authority.
- 2d. For omitting to make application to the War Department for instructions in respect to Mrs. Brinsmade.
- 3d. For using the station house of the Board of Police for an unusual purpose, without the previous consent of the Board.

*Resolved,* That while it is the duty of this Board to rebuke every assumption of unauthorized power, and every infringement of the rules established for the government of the police force, it is also incumbent on the Board to express at suitable times its approval of the general good conduct of its officers: and therefore

*Resolved,* That the superintendent by his earnest zeal, his fidelity, and by the ability he has shown in the discharge



of his arduous duties, is entitled to and has the entire confidence of the Board of Police.

S. C. HAWLEY,  
*Chief Clerk.*

Thus in effect justifying the unlawful assumption of power by said Kennedy, in conflict with the Constitution and Laws of this State and of the United States, and placing in peril the personal liberty of every citizen of New York.

THIRD. That the Station Houses in said District have been used as prisons for the incarceration and confinement therein, without authority of law and in contempt of the Constitution and Laws of the State, of said Mrs. Isabel Brinsmade and of other persons, during long periods of time, without the knowledge of said Commissioner, he being, by his own confession, entirely ignorant thereof, showing thereby gross neglect of the plainest duties of his office and in a matter affecting the most sacred right of the citizen.

The undersigned therefore prays that the said Bergen may be forthwith removed from his said office, as one of the Commissioners of the Metropolitan Police, that in consequence of the arbitrary and unlawful conduct of the said Commissioners the liberties of our citizens are not secure at this time, and submits that the good name of the State and the rights of its citizens demand that his removal should be immediate.

Dated January 1st, 1863.

H. K. BLAUVELT.

*City and County of Albany, ss:*

HENRY K. BLAUVELT being duly sworn deposes and says, that he is acquainted with the facts involved in the foregoing charges, and that the same are true to the best of his knowledge and belief.

H. K. BLAUVELT.

Sworn before me, this 1st }  
day of January, 1863, }

JOSEPH R. FRIEND, *Com. of Deeds.*

The undersigned also presents as a fourth charge the following order, and charges that the same was calculated and intended to deter citizens in the exercise of the elective franchise, and in violation of law.

OFFICE SUPERINTENDENT METROPOLITAN POLICE,

*New York, November 1st, 1862.*

GENERAL ORDER, No. 324.

*Captain,*

*Precinct.*

In order that the War Department may be aided in holding to military service, for the term of the draft, all persons who by false representations may attempt to evade the draft, you will select a competent and trusty man from each election district within your Precinct, whose duty it shall be to remain at the poll of the election district, on the 4th inst., from the opening to the closing thereof, and there carefully to note each and every person who may offer to vote at such poll whose name appears on the exemption book as having been excused from draft by any Commissioner, on the ground

of being an alien or a non-resident, and every such exempt, who may so offer to vote, will be secured and conveyed to the station house, there to be detained, subject to the orders of the Secretary of War. You will make a special report to this office of all such arrests at the earliest convenient moment.

JOHN A. KENNEDY,

*Superintendent.*

DANIEL CARPENTER, *Inspector.*

Dated January 1st, 1863.

H. K. BLAUVELT.

*City and County of Albany :*

HENRY K. BLAUVELT being duly sworn deposes and says, that he is acquainted with the facts in the foregoing charge, and that the same are true to the best of his knowledge and belief.

H. K. BLAUVELT.

Sworn before me, this 1st }  
day of January, 1863, }

JOSEPH R. FRIEND, *Com. of Deeds.*



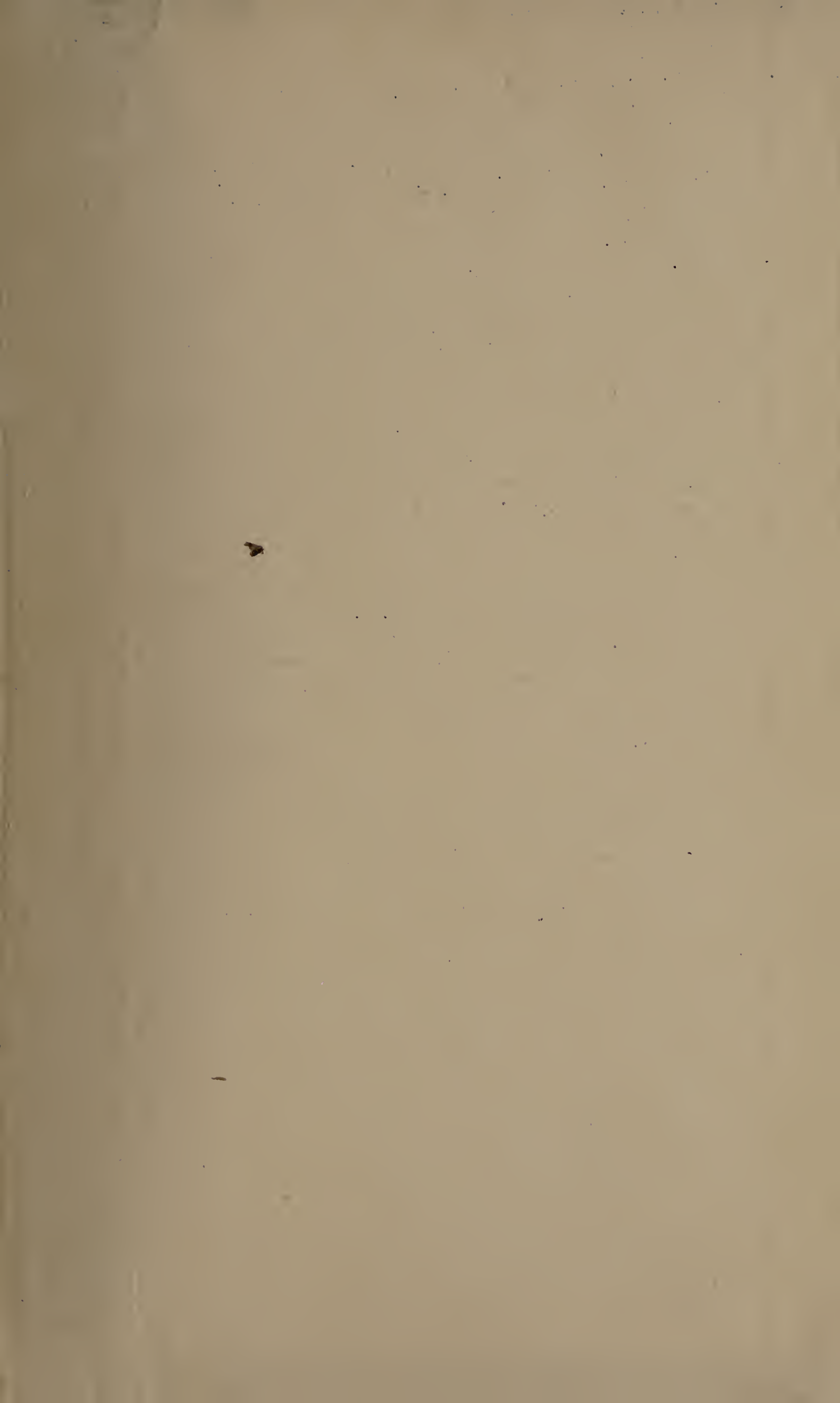












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